

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5869 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SAROJBEN B JOSHI & ORS.

Versus

ONGC & ORS.

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Appearance:

MR BB NAIK for Petitioners

MR RAJNI H MEHTA for Respondent No. 1 & 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/12/96

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The grievance of the petitioners is that though in other categories the Oil & Natural Gas Commission (ONGC) has given relaxation in the requisite experience provided for eligibility for promotion, but in the category of Personnel & Administration branch this relaxation has not been given, which is discriminatory.

3. In the matter of relaxation or concessions, the petitioners cannot claim the same as of right. A plea of discrimination to the petitioners also may not be available as it is not the case of the petitioners that in the same category, relaxation has been given to some of the persons. But I do not consider it to be appropriate to go on the merits of the claim of the petitioners in this petition as after filing of the writ petition, the petitioners have been given promotion by giving them concessions with regard to their eligibility and now nothing in substance survives. The learned counsel for the petitioners contended that in case the relaxation would have been given in the requisite experience for promotion to the next higher post in the section of personnel and administration, they would have got further promotion to the next higher post. That claim of the petitioners at this stage deserves no consideration as the petitioners have failed to make out any case how they will suffer any loss. Even by now, the petitioners would have been promoted. It is not a case where some juniors to the petitioners have been given the benefits after giving relaxation and in that eventuality there may be some justification for request for consideration of the case on merits, but not in the case where none of the juniors have been given promotion earlier to the petitioners.

4. Taking into consideration the totality of the facts of the case, I do not find any substance in this petition and the same is therefore dismissed. Rule discharged. No order as to costs.

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